

Serial No.: 10/647,780
Art Unit: 3618
Examiner: FLEMING, Faye M.
Page 6 of 9

REMARKS

By this amendment paragraph [0016] of the specification and claims 9-12 have been amended. Claims 1-8 and 13-24 have been cancelled. Claims 25, 26 and 27 have been added. No new matter has been entered. Reconsideration and allowance of the claims are respectfully requested in view of the foregoing amendments and the following remarks.

Regarding Office Action Paragraph 1 – Objection to the Specification

Paragraph 16 has been amended to add the following, in order to provide a description of an "ATV-type tire": "Each of the wheels includes an ATV-type tire, i.e. a low-pressure balloon tire having an air pressure of less than 1 kg/cm²".

It is believed that this description is already present in the application as the vehicle described therein is an ATV, which is shown in the drawings to have ATV-type tires, and the given definition is known by a person skilled in the art of ATVs. For example see U.S. Patent 4,860,850 (already provided to the Examiner in a related application), assigned to Honda, col. 3, lines 57-60:

"The wheels Wf, Wlr, Wrr each has a wide extremely low pressure tire T, for example, so-called balloon tire whose air pressure is less than 1 kg/cm², mounted thereon."

Reconsideration and withdrawal of the objection is respectfully requested.

Regarding Office Action Paragraphs 2 and 3 – Rejection under 35 U.S.C. 112

Claims 2 and 14 are rejected under 35 U.S.C. 112 2nd para. as being indefinite for failing to particularly point out and distinctly claiming the subject matter which Applicants regard as the invention.

Serial No.: 10/647,780
Art Unit: 3618
Examiner: FLEMING, Faye M.
Page 7 of 9

The Examiner believes that the expression "an ATV-type tire" is unclear. Applicants have deleted claims 2 and 14. Reconsideration and withdrawal of this rejection is respectfully requested.

Further, Applicants have added claim 26 in which the limitation "each of the tires has an air pressure of less than 1 kg/cm²" appears. Applicants respectfully submit that this limitation is supported by the specification as amended and is therefore in compliance with 35 U.S.C. 112 (2nd).

Regarding Office Action Paragraph 5 – Rejection under 35 U.S.C. 103(a)

Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haynes (6,105,721) in view of Katsuoka (4,527,831).

Haynes discloses an ATV with an accessory structure connected to the vehicle including a second seat 45. The second seat 45 is disposed on top of the structure, not adjacent to the driver's seat (front of 26). A back rest (25) for the driver is taught, however no back rest for the second seat is disclosed.

Katsuoka presents a two seater motorcycle with a passenger seat having an height adjustment mechanism. The passenger seat has a back rest 52 disposed behind the rear wheel axis. This passenger seat positioning can work on a motorcycle because the passenger can maintain his feet on each side of the rear wheel. Conversely, there are two rear wheels on an ATV, these wheels are spaced apart on each side of the longitudinal center line of the vehicle. Using Katsuoka's seat would create interference between the passenger's feet and the rear wheels. The complete passenger sitting position must be moved and adjusted according to the position of the passenger's feet. Consequently, as claimed by Applicants, the passenger back rest is moved in front of the rear wheel axis. Shifting the weight of the passenger in front of the rear axis also improves the stability of the vehicle.

Claim 1 has been cancelled in favour of new claim 25 which claims an ATV with a main seat portion and a secondary seat portion rearwardly and adjacent to the main

Serial No.: 10/647,780

Art Unit: 3618

Examiner: FLEMING, Faye M.

Page 8 of 9

seat portion and a back rest for the secondary seat portion disposed in front of the rear axis. Moreover, it is not believed by Applicants that modifying the structure proposed by Haynes to install the seat and the back rest of Katsuoka is obvious. Haynes' seat has a flat shape suitable to fit the wide structure connected to the ATV while the shaped motorcycle seat of Katsuoka is intended to be mounted on a narrow motorcycle frame. Also, the seat of Haynes provides a non straddle rearward sitting position; straddle sitting position would be possible only when sitting transversally on the seat. Neither Haynes nor Katsuoka alone or combined teach or suggest an ATV having a secondary seat portion having a back rest in front of the rear axis. As such Katsuoka does not overcome the deficiencies of Haynes and therefore, irrespective of whether or not its combination with Haynes is proper, cannot render obvious any of the claims of the application, including new claim 25.

Claims 9-12, 26 and 27 depend from claim 25 and are considered allowable for the reasons stated above with regard to claim 25 and for the additional features recited therein.

Reconsideration and withdrawal of the rejection is respectfully requested.

Other amendments

Claims 1-8 and 13-24 have been cancelled.

Claim 10 has been amended to now depend from claim 9.

Claim 12 has also been amended to now depend from claim 11.

Claims 11 and 12 have been amended. The back rest support now extends from the back rest to the frame instead of from the back rest to the ATV.

Submitted IDS

Applicants submit with this response an Information Disclosure Statement in accordance with 37 C.F.R. § 1.98 and MPEP 2001.06(b). The IDS contains art cited previously by the Examiner in various related copending applications.


Serial No.: 10/647,780
Art Unit: 3818
Examiner: FLEMING, Faye M.
Page 9 of 9

Conclusion

In view of the above amendments and remarks, Applicants respectfully submit that all of the currently pending claims are believed to be allowable, and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Jonathan D. Cutler, Reg. No. 40,576

Attorney for the Applicant

Tel. (514) 732-7050

Fax (514) 732-7058